

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.1950 of 2008

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the orders of second respondent dated 18.7.2007 in proceedings Roc.No.1441/2007/Pts2, the notice in Roc.No.1441/2007/Pts2, dated 18.7.2007 and the further orders in Roc.No.1441/2007/Pts2 dated 10.10.2007 as illegal and arbitrary.

The third respondent-Nangegadda Gram Panchayat, Nagayalanka Mandal convened a meeting on 18.5.2007 wherein the Sarpanch and 3 other members have passed resolution No.25 accepting the proposal to give 19 new drinking water tap connections to the houses of private individuals ignoring the request of the petitioners, who are Ward Members, for installing the water tap connections at the specified public places. Ignoring the dissent of the majority of the Ward Members, the Secretary of third respondent sent the copy of resolution to the second respondent for issuing the orders. Pursuant thereto, the second respondent passed an order on 18.7.2007 directing the third respondent to provide water connections to the specified 19 individuals. However, on the same day, the second respondent issued a show-cause notice to the third respondent for cancellation of the said resolution since it is opposed by majority of ward members and accordingly, cancelled the said resolution on 10.10.2007.

After the tap connections were given to the said 19 individuals, the challenge is made before this Court not only regarding the manner in which the connections were given to the said 19 individuals, but also the rejection of installation of water tap connections in specified public places.

This Court is of the view that while disposing of the resolution No.25, dated 18.5.2007 passed by the third respondent, the second respondent has not taken into consideration the representation made by the petitioners herein, which is dated 30.7.2007. Since the said 19 individuals were already provided with water tap connection, this Court is of the view that the same cannot be directed to be

disconnected since they are also entitled for protected water as per the provisions of the Act. But at the same time, the third and second respondents ought to have given priority to the places where the general public will have access for drinking water. In the circumstances, the writ petition is disposed of with the following direction:

The petitioners are directed to give a representation to the second respondent through the third respondent informing the above facts and on filing such representation, the second respondent is directed to consider the same and pass appropriate orders directing the third respondent for providing water tap connections in the required public places, if not already provided, within a period of six months.

The writ petition is disposed of accordingly. There shall be no order as to costs.

Consequently, the miscellaneous petitions, if any shall also stand disposed of.

RAJA ELANGO, J.

Date.24.02.2015

Tsr

